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Attorneys for Plaintiff Mrs. Fields Franchising, LLC

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

MRS. FIELDS FRANCHISING, LLC,
a Delaware limited liability company,

Plaintiff,

vs.

BEKTROM FOODS, INC.,
a North Dakota corporation,

Defendant.

**PLAINTIFF MRS. FIELDS
FRANCHISING, LLC'S PRETRIAL
DISCLOSURES**

Case No. 2:14-cv-00776-BSJ

Judge Bruce S. Jenkins

Pursuant to Federal Rule of Civil Procedure 26(a)(3) and the current Scheduling Order in this case (D.E. #45), Plaintiff Mrs. Fields Franchising, LLC (“MFF”), by and through its undersigned counsel, hereby respectfully submits its Pretrial Disclosures in this case as follows:

A. **Witnesses MFF Expects to Call to Testify**

Pursuant to Rule 26(a)(3)(A)(i), MFF submits the following names of each witness¹ that it expects to present to testify at trial in this matter:

1. Dustin Lyman.

B. **Witnesses MFF May Call to Testify**

MFF may call the following witnesses to testify at trial in this matter:

1. Ernie Barbella; and
2. Aldon Reed.

C. **Witnesses MFF Expects To Call By Deposition**

Pursuant to Rule 26(a)(3)(A)(ii), MFF hereby designates the witnesses whose testimony MFF expects to present by deposition and the relevant portions of those witnesses’ deposition testimony,² as follows:

Bill McClinton

20:3-21:3
22:10-13
23:5-16
27:5-21
29:8-29:13

¹ The names and contact information of all witnesses have been previously provided to Defendant’s counsel.

² MFF reserves the right to designate the testimony of Ernie Barbella if Defendant/Counterclaim Plaintiff Bektrom Foods, Inc. does not call him as a witness.

30:1-10
32:2-21
33:3-17
36:3-17
39:18-40:1
44:13-25-45:2
45:18-46:14
48:3-14
48:23-49:12
62:7-13
68:23-69:17
70:3-13
71:3-11
76:7-23
78:11-22
78:23-79:7
82:7-83:3
85:14-86:2s
92:24-93:10
93:16-94:15
95:16-96:12
97:1-10
102:19-13

D. Documents or Other Exhibits that MFF Will and May Use at Trial

Pursuant to Rule 26(a)(3)(A)(iii), MFF hereby designates the documents and other exhibits that MFF will and may use at trial, separately identified in the document attached hereto as Exhibit “A.” MFF is not currently designating any demonstrative exhibits or animations that it may use at trial. MFF reserves the right to supplement these disclosures should other documents that MFF will use to support its claims or defenses hereafter become known.

MFF reserves the right to supplement, amend, or otherwise modify these pretrial disclosures, including in response to any pretrial disclosures made by Defendant/Counterclaim Plaintiff Bektrom Foods, Inc.

In making these disclosures, MFF does not waive its right to object to the admissibility of any of the evidence identified herein.

DATED this 5th day of May, 2016.

KIRTON McCONKIE

By: /s/ Adam M. Kaas
Rod N. Andreason
Adam M. Kaas
Attorneys for Plaintiff Mrs. Fields'
Franchising, LLC

Of Counsel:

STORCH AMINI & MUNVES PC

Bijan Amini, Esq. (*Admitted Pro Hac Vice*)
Avery Samet, Esq. (*Admitted Pro Hac Vice*)

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of May, 2016, a true and correct copy of the foregoing **MRS. FIELDS FRANCHISING, LLC'S PRETRIAL DISCLOSURES** was served on the following in the manner indicated below:

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☒ U.S. Mail, Postage Prepaid
☐ Hand Delivered
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/s/ Lisa Sledge